

FEB. -12' 04 (THU) 11:36

ALSTON & BIRD

TEL: 9198622260

RECEIVED  
CENTRAL FAX CENTER

FEB 12 2004

OFFICIAL

**Confidentiality Note:**

The information contained in this facsimile message is confidential and its contents are intended to be legally privileged information solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the address shown below via air courier service, the United States Postal Service or your national postal service (air mail). Thank You.

**ALSTON & BIRD LLP**

3201 Beechleaf Court, Suite 600  
Raleigh, NC 27604-1062

919-862-2200  
Fax: 919-862-2260

**TELECOPY**

PLEASE DELIVER AS SOON AS POSSIBLE

DATE: February 12, 2004

TO: TC 1600

FROM: Kelly J. Williamson  
Patent Agent

In re: Tuomanen  
App. No.: 09/056,019  
Filed: 4/7/98

Confirmation No.: 4774

Group Art Unit: 1645

Examiner: Minnifield

For: A POLYPEPTIDE COMPRISING THE AMINO ACID OF AN N-TERMINAL  
CHOLINE BINDING PROTEIN A TRUNCATE, VACCINE DERIVED  
THEREFROM AND USES THEREOF

**Attachments:**

Interview Summary(2 pages)

NO. OF PAGES: 3  
(Including cover page)

OPERATOR: RL-2-99564

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT (919) 862-2200

USER CODE: LAKE  
CLIENT/MATTER: 044158/207989

FAX NUMBER: (703) 872-9306

REQUESTED BY: Pam Lockley

VOICE NUMBER:

RTA01/21/0098v1

FEB 12 2004

OFFICIAL  
PATENTAttorney's Docket No. 044158/207989 (5853-2)**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED  
PROCEDURE - EXAMINING GROUP 1631****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re:	Tuomanen	Confirmation No.:	4774
Appl. No.:	09/056,019	Group Art Unit:	1645
Filed:	4/7/98	Examiner:	Minnifield
For:	A POLYPEPTIDE COMPRISING THE AMINO ACID OF AN N-TERMINAL CHOLINE BINDING PROTEIN A TRUNCATE, VACCINE DERIVED THEREFROM AND USES THEREOF		

February 12, 2004

BOX AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INTERVIEW SUMMARY**

Sir:

A telephonic interview in the above-referenced matter occurred on February 10, 2004 between Examiner Minnifield and Applicant's representative, Kelly J. Williamson. Applicants provide below a summary of the interview.

The Supplemental After Final Amendment and Response filed on September 8, 2003 was discussed. Specifically, rejections related to restriction, written description, enablement and §112 2<sup>nd</sup> paragraph were discussed as outlined in the September 8, 2003 Amendment and Response. Examiner agreed to reconsider the rejections in view of discussion, although no explicit agreement was reached regarding which rejections would be withdrawn.

The Examiner is respectfully requested to enter this Interview Summary into the above-referenced matter.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

In re: Tuomanen  
Appl. No. 09/056,019  
Filed: 4/7/98  
Page 2

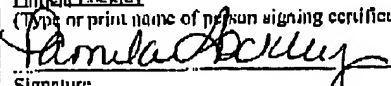
therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Kelly J. Williamson  
Patent Agent  
Registration No. 47,179

CUSTOMER NO. 29312  
ALSTON & BIRD LLP  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Raleigh Office (919) 862-2200  
Fax Raleigh Office (919) 862-2260

<b>CERTIFICATION OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at Fax No. 703-872-9306 on the date shown below. <u>Pamela Lockley</u> (Type or print name of person signing certification.)  Signature February 12, 2004 Date	<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on February 12, 2004.  _____
--	--

RTA01/2149832v1

RTA01/2149832v1